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MONTANA FIFTH JUDICIAL DISTRICT COURT, BEAVERHEAD COUNTY

LISA M. OSORIO,

Plaintiff,

vs.

**MONTY R. SNEED and
TREASURE VALLEY TRUCKING,
Inc., an Oregon Corporation and
JOHN and JANE DOES, A-F,**

Defendants.

Cause No DV-06-12973

**AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiff, Lisa M. Osorio, by and through her attorney, Milton Datsopoulos of the law firm Datsopoulos, MacDonald & Lind, P.C., and for cause of action against Defendants, alleges as follows:

I. PARTIES

1. At all times material hereto, Lisa M. Osorio was a resident of the

Amended Complaint and Demand for Jury Trial



1
2 State of Idaho, residing in the County of Bannock.

3 2. To the best information, knowledge and belief of the Plaintiff, at all
4 times material hereto Defendant Monty Sneed was and continues to be a
5 resident of the State of Oregon.
6

7 3. To the best information, knowledge and belief of the Plaintiff, at all
8 times material hereto, Treasure Valley Trucking, Inc., was an Oregon
9 corporation doing business in the County of Malheur.
10

11 II. JURISDICTION AND VENUE

12 4. This court has jurisdiction over each of the parties. Venue is proper
13 in Beaverton County.
14

15 III. FACTS

16 5. On or about November 25, 2004, the Plaintiff was laying across the
17 backseat of a 1993 Pontiac driven by her cousin, Chrislyn A. Tavo. Freddie
18 Tsosie was seated in the front passenger seat. They were traveling southbound
19 from Missoula, Montana back to their homes in Pocatello, Idaho on Interstate
20 15. The Tavo vehicle was traveling in the right hand lane.
21

22 6. To the best information, knowledge and belief of the Plaintiffs, on or
23 about November 25, 2004, Monty R. Sneed was operating a 1998 Volvo 18-
24
25

1 wheel semi-truck owned by Treasure Valley Trucking, Inc.. He was traveling
2 southbound on Interstate 15.

3 7. At approximately 11:15 p.m., 5.4 miles north of the Montana-Idaho
4 border, Beaverhead County, the Tavo vehicle had just driven over the crest of a
5 hill. Chrislyn Tavo observed headlights in her rear-view mirror of a vehicle
6 quickly approaching behind her vehicle. She proceeded to tap the brakes
7 numerous times and attempted to drive her vehicle to the right onto the shoulder
8 adjacent to the right traffic lane.
9
10

11 8. Despite evasive efforts, the semi truck violently collided with the rear
12 end of the Pontiac. The tremendous impact forced the Pontiac off to the right of
13 the interstate and caused it to spin 180 degrees and resulting in severe, multiple
14 and permanent injury and impairment to the Plaintiff.
15

16 9. To the best information, knowledge and belief of the Plaintiff, the 18-
17 wheel Volvo semi operated by Mr. Sneed was owned by Treasure Valley
18 Trucking, Inc.
19

20 10. At all times material hereto, to the best information, knowledge and
21 belief of the Plaintiff, Defendant Monty Sneed was an employee of or otherwise
22 in a relationship with Defendant Treasure Valley Trucking, Inc., and as such,
23 Defendant Treasure Valley Trucking, Inc., is vicariously liable for the actions of
24 Defendant Monty Sneed.
25

IV. CAUSES OF ACTION

Negligence

11. The acts or omissions of Defendant Monty Sneed alleged in paragraphs 7 and 8 in operating the 18-wheel Volvo semi constituted a breach of duty of care owed to Plaintiff Lisa Osorio, which proximately caused damages to Plaintiff, the nature and extent of which shall be proven at the time of trial.

12. The acts or omissions of Defendant Monty Sneed in breaching the applicable duties of care owed to the Plaintiff and the resulting damage to Plaintiff constitute the actions of Defendant Treasure Valley Trucking, Inc., as the principle/employer of Defendant Monty Sneed, thereby making Defendant liable for the damages incurred by Plaintiff, the nature and extent of which shall be proven at the time of trial.

Negligent Infliction of Emotional Distress.

13. Plaintiff hereby incorporates each and every allegation set forth in paragraphs 1 through 12.

14. The actions of Defendant Monty Sneed alleged in paragraphs 7 and 8 in breaching the applicable duties of care owned to the Plaintiff caused the Plaintiff to endure serious and/or severe emotional distress which proximately caused damage to Plaintiff, the nature and extent of which shall be proven at the time of trial.

15. The acts or omissions of Defendant Monty Sneed alleged in paragraphs 7 and 8 in breaching the applicable duties of care owed to the Plaintiff and the resulting damage to Plaintiff constitutes the actions of Defendant Treasure Valley Trucking, Inc., as the principle/employer of Defendant Monty Sneed, thereby making Defendant liable for the damages incurred by Plaintiff, the nature and extent of which shall be proven at the time of trial.

WHEREFORE, Plaintiff prays for judgment and relief, jointly and severally against Defendants as follows:

1. Compensatory Damages;
2. For reasonable attorney fees and costs;
3. For such other and further relief as the court deems just and equitable.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands a trial by jury on all issues so triable.

Dated this 30th day of Oct, 2006.

Datsopoulos, MacDonald & Lind, P.C.
Attorneys for Plaintiff


Milton Datsopoulos